

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DWIGHT WINKLEY et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:23-213-LG-RPM

HANCOCK COUNTY, MISSISSIPPI et al

DEFENDANTS

ORDER DENYING MOTION TO SEAL

Before the Court is Defendant Michael Chase Blackwell's motion to file an exhibit under seal. Doc. [15]. Plaintiffs filed the instant 42 U.S.C. § 1983 civil rights complaint alleging Hancock County Sheriff's deputies used excessive force against Isaiah Winkley resulting in his death. The incident was captured on the body camera video of Hancock County deputies who were involved in the shooting incident. Prior to entry of this order, the undersigned viewed the video *in camera*. Defendant Blackwell moves to restrict public access to the video pursuant to L.U.Civ.R. 79. In support, Defendant argues the video contains sensitive footage of the deceased and thereby implicates the privacy interests of the deceased and his family. Plaintiffs, who are the parents and siblings of the decedent, have filed a response in opposition to the motion and urge disclosure of the video. Doc. [22] at 5. The McClatchy Company, LLC has filed a motion to intervene for the purpose of objecting to Defendant's motion for leave to file under seal. Doc. [24].

The public's interest in disclosure of the video outweighs any purported privacy interest.

See Binh Hoa Lee v. Exeter Fin. Corp., 990 F.3d 410, 417 (5th Cir. 2021); *Casa Orlando Apartments, Ltd. v. Fed. Nat'l Mortg. Ass'n*, 624 F.3d 185, 201 (5th Cir. 2010) (when determining whether to seal documents, the district court balances the privacy interest against public's right to access); *Carnaby v. City of Houston*, No. 4:08-cv-1366, 2008 WL 4546606, at

*1 (S.D.Tex. Oct. 10, 2008). To the extent the family of the decedent possesses a privacy interest against public disclosure of the video, they have waived the privacy interest. On the other hand, the video footage is of significance to the public's interest in the activity of law enforcement and its use of force. Accordingly, the Court finds the motion to seal should be denied. In light of the order denying the motion to seal, The McClatchy Company, LLC's motion to intervene is found to be moot.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's [15] Motion to Seal is DENIED.

IT IS FURTHER ORDERED that the [24] Motion to Intervene is denied as MOOT.

SO ORDERED AND ADJUDGED, this the 4th day of December 2023.

/s/ *Robert P. Myers, Jr.*
ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE